Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
June 12, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Miller (via phone), Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene (via phone)

Commissioners absent: Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Tim Felstead, Planner II; Laura Boyce, Senior Planner; Laurel Bruggeman, Planner I; Robert Palmer, Attorney; Amy Mead, Municipal Attorney

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. Haight welcomed Ms. Maclean as the new Community Development Director.

One item on the Consent Agenda, USE2018 0008, was pulled for further work at staff level, said Mr. Haight. He asked for comments to the agenda. There were none.

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

Due to several Commissioner conflicts with some of these proposals, Mr. Haight explained he would move on each of the Consent Agenda items separately.

CSP2018 0005:	A City Project in a Rural Reserve zone district to provide an easement across CBJ property
Applicant:	City & Borough of Juneau
Location:	13010 Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission finds CSP2018 0005 consistent with the *2013 Comprehensive Plan, the Land Management Plan, the Auke Bay Area Plan,* and Title 49 and forward a recommendation of approval to the Assembly.

The motion passed with no objection; Mr. Haight recused himself due to a potential conflict.

CSP2018 0007:	A City Project to review the sale of city property to Alaska Legacy Partners
Applicant:	City & Borough of Juneau
Location:	9290 Hurlock Ave

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to dispose of the CBJ property located at 9290 Hurlock Avenue with the following condition:

- The "retention" status of the subject parcel be changed to "dispose" in the Land Management Plan.

The motion passed with no objection.

USE2018 0004:	A Conditional Use Permit for a marijuana product manufacturing facility
Applicant:	ISG Inc.
Location:	5011 Short St

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 650 square foot marijuana product manufacturing facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a State of Alaska license that permits the use of marijuana retail at the subject site that

substantially matches subject plans and operations described in the subject Conditional Use Permit.

2. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.
3. Prior to approval of a CBJ marijuana license, to comply with State requirements, the door between the manufacturing area and the cultivation area shall have a suitable lock and that this remains locked at all times except for access to and from the room.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

The motion passed with no objection.

USE2018 0006: A Conditional Use Permit for a marijuana retail store.
Applicant: Alaskan Kush Company LLC
Location: 159 S. Franklin St

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development and operation of a marijuana retail business in downtown Juneau.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.

The motion passed with no objection; Mr. Dye recused himself due to a potential conflict.

~~**USE2018 0008:** A Conditional Use Permit for a 220 square foot detached accessory apartment.~~
~~**Applicant:** Jeff Martinson~~
~~**Location:** 811 4th Street~~

~~**Staff Recommendation**~~

~~It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.~~

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

A. Discussion Item: Ordinance 2018-28 amending 49.65, Article I, the Exploration and Mining Code

Mr. Haight said that the goal of this item at this time was to introduce the ordinance, have some discussion with staff, open the discussion for public testimony and then he plans to motion to postpone and conclude with a hearing at the next Planning Commission meeting.

Ms. Mead made a presentation to the Commission and explained that the draft ordinance before them was the result of a process undertaking by the CBJ Mining Ordinance Subcommittee, established by the CBJ Assembly in 2017. The Committee went through a long process considering comments and requests which originally came from concerned members of the public. The end result includes clarification of CBJ code, removal of some duplication, and a streamline of the process for obtaining a permit.

Ms. Mead pointed out that she was directed by the Committee to reorganize the mining code without removing any substantive language. These changes can be seen in the annotated copy of the code. The Assembly has approved moving the entire packet to the Planning Commission as the next step. However after a review by the Assembly's Committee of the Whole, Ms. Mead was authorized to add language recognizing the state's reclamation plan and financial warranty requirements. Code makes clear that a municipality's authority is not preempted by state law. Ms. Mead conferred with an attorney who works in this area, and her memo to the Commission, included in Ms. Boyce's staff report, explains the changes to these two sections.

Commission Comments and Questions

Mr. Voelckers said he had a comment regarding process. Is it expected that the Planning Commission work through the draft ordinance page by page? He said he felt it was the Committee's expectation to get down deep and make sure the clauses make sense. Ms. Mead said it was not her understanding that the Planning Commission would make changes at this point, but she said that it was the Commission's prerogative to do so. However, she clarified, she tried to stay as close to the current version as possible when doing her revisions.

Public Comment

Guy Archibald, staff scientist with Southeast Alaska Conservation Council, asked if there was any possibility for conditions under financial warranties beyond what was planned for and agreed to. He said his concern is reclamation.

Mr. Archibald also asked if CBJ would be able to pull from the state bonding pool. Ms. Mead said potentially; the state can enter into cooperative agreements. The bonding can be joined. She said that in her discussions with the State, the City can if it is in one of these cooperative agreements with the State.

MOTION: by Mr. Campbell to postpone the discussion of the mining ordinance until the next meeting.

The motion passed with no objection. Mr. Haight encouraged members to go through the reading material very thoroughly in order to be well prepared for June 26.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean said there will be an update on the FEMA flood map revision project at the Planning Commission meeting on June 26. Regarding projects related to downtown planning, Laura Boyce has leadership for the Alternative Development Overlay District (ADOD) and Tim Felstead and she are still working on the Downtown Blueprint Plan though Mr. Felstead will now take the lead and another planner as yet to be determined will assist. The RFP for the visioning process is due on June 13, and so Ms. Maclean expects to have an update for the Commissioners on June 26. It is hoped that the public engagement piece will begin in late July or early August. On Thursday, June 14, the Juneau Commission on Sustainability (JCOS) hosts

the Governor's Climate Action for Alaska Leadership Team's listening session from 5 to 8 pm in Assembly Chambers and all welcome to attend.

Mr. Voelckers asked if there was any update concerning the appeal of the building permit for the coffee shop in the flats? Ms. Maclean said that the City is in conversation with the appellant. The appellant is handing off the issue to other neighbors as she is moving, and they have asked to hold off bringing the appeal to the Planning Commission for the time being.

XII. COMMITTEE REPORTS

Lands Committee
Mr. Voelckers reported the Lands Committee had an update on Indian Point and a potential transfer of that land. This is a slow and deliberate process and there is a group from Goldbelt Heritage foundation working to establish a path forward. There is also conversation about acquiring cemeteries in Douglas. The Lands Committee has been asked to look at operating and other implications of such a transfer.

Comprehensive Plan Ad Hoc Committee
Mr. Dye reported that the Comprehensive Plan Committee met and plans to meet one more time before bringing recommendations to the full Planning Commission.

Auke Bay Implementation Committee
This committee did not meet as planned on June 7, due to a lack of a quorum, but will meet next on June 28, 2018.

Title 49 Committee
The next meeting scheduled for the June 18, 2018, said Ms. McKibben. They have not met since the last Planning Commission meeting.

Downtown Blueprint Plan
Ms. Maclean said that a Planning Commission liaison is needed for the Downtown Blueprint Plan. Mr. Haight said he will talk with the group to see who is most interested and get back to staff.

Historic Resources Advisory Committee (HRAC)
Ms. McKibben said HRAC next meets on June 13, 2018.

XIII. LIAISON REPORTS - None

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Hickok asked why the mining ordinance was tabled. Mr. Haight explained that staff wanted to introduce the materials first. Commissioners need more time to read and digest this material before they dig into the hard questions. Ms. McKibben said staff will be producing a Comprehensive Plan analysis to go along with the draft ordinance.

Mr. Dye stated that he was interested in being the liaison for the Downtown Blueprint Plan.

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting adjourned at 7:24 pm.